

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 9, 2005

IN RE:

BELLSOUTH'S PETITION TO ESTABLISH GENERIC  
DOCKET TO CONSIDER AMENDMENTS TO  
INTERCONNECTION AGREEMENTS RESULTING  
FROM CHANGES OF LAW

DOCKET NO.  
04-00381

---

ORDER DENYING COMPSOUTH'S MOTION TO STRIKE

---

This matter is before the Hearing Officer upon *CompSouth's Motion to Strike Exhibits PAT-1 and PAT-2 to the Direct Testimony of BellSouth Witness, Pamela A. Tipton* ("Motion to Strike") filed by the Competitive Carriers of the South, Inc. ("CompSouth") on September 1, 2005. On September 2, 2005, BellSouth filed its *Objection of BellSouth Telecommunications, Inc. to Competitive Carriers of the South, Inc.'s Motion to Strike Exhibits PAT-1 and PAT-2 to the Direct Testimony of BellSouth Witness Pamela A. Tipton* ("Response").

On July 26, 2005, in accordance with the procedural schedule in this proceeding, BellSouth filed its pre-filed direct testimony. Included in this filing was the testimony of Pamela A. Tipton, which included two exhibits, identified as "PAT-1" and "PAT-2" ("the exhibits"). The documents filed as the exhibits are interconnection agreement attachments filed in their entirety. In its *Motion to Strike*, CompSouth argues that the panel should strike portions of the exhibits because they "address issues completely unrelated to the disputed issues in this proceeding."<sup>1</sup> In its *Response*, BellSouth argues that the relief sought far exceeds the harm alleged in the *Motion to Strike* because CompSouth asks the Authority to strike the exhibits in their entirety and notes that "the Authority generally has disfavored

---


<sup>1</sup> *Motion to Strike*, p. 4 (September 1, 2005)

motions to strike, preferring instead to take in the evidence and give it the weight to which it believes it is entitled ”<sup>2</sup>

CompSouth filed its *Motion to Strike* more than five weeks after BellSouth filed the exhibits in question and less than seven business days before the hearing. A denial of the *Motion to Strike* will not prejudice the parties because the hearing provides an opportunity for CompSouth and others to test the evidence filed in the record and to cross-examine witnesses, including Ms. Tipton, regarding the exhibits. Further, CompSouth has identified those portions of the exhibits that concern issues certified for decision in this proceeding. Given that this proceeding is guided by an issues matrix agreed to by the parties, the panel has the necessary tools to consider and weigh testimony as it deems appropriate. For these reasons, I deny the *Motion to Strike* filed by CompSouth.

**IT IS THEREFORE ORDERED THAT:**

The *Motion to Strike* filed by CompSouth is hereby denied.

  
Deborah Taylor Tate, Director  
As Hearing Officer

---

<sup>2</sup> *Response*, p. 4 (September 2, 2005)